

UNITED STATES OF AMERICA

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CRIMINAL NO. 1: CR-08-073-02

LINDSAY BARD

Before the court is a motion filed by Defendant Lindsay Bard pursuant to 28 U.S.C. § 2255. On September 18, 2008, Bard pleaded guilty pursuant to a plea agreement to Counts 2 and 4 of the indictment. These counts charged her with discharging a firearm during a crime of violence and attempted bank robbery as an accomplice. She was sentenced on January 23, 2009 to an aggregate term of imprisonment of 84 months, three years supervised release, a fine and special assessment.

Bard claims her counsel was incompetent for (1) permitting her to plead guilty to an offense involving the discharge of a firearm when she did not handle a firearm; (2) failing to secure a lower guideline sentencing range based on the “safety valve” provision; (3) advising her to tell the probation officer very little about her background; (4) failing to seek a motion for downward departure under Rule 35 of the Federal Rules of Criminal Procedure; (5) permitting her to be “sentenced as a group with the other people in [her] case”; (6) failing to call character witnesses during the sentencing proceeding; and (7) advising her she would be sentenced to no more than 56 months.

This court has thoroughly read the motion filed by the defendant and the opposition brief filed by the Government in this matter. No reply brief was filed by the defendant. The court finds that the Government's brief in response is thorough and accurate. Thus, the court adopts the Government's response as its own and based thereon will deny the motion.

An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: June 23, 2010.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

LINDSAY BARD

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CRIMINAL NO. 1: CR-08-073-02

ORDER

Based on the facts and reasoning set forth in the Government's brief in opposition to the defendant's motion filed pursuant to 28 U.S.C. § 2255, which this court adopts, **IT IS HEREBY ORDERED THAT** the motion filed pursuant to 28 U.S.C. § 2255 is denied. This court declines to issue a certificate of appealability.

s/Sylvia H. Rambo

United States District Judge

Dated: June 23, 2010.